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SENATE BILL 650

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO CRIMINAL SENTENCING; PROHIBITING THE SUSPENSION OR DEFERMENT OF A PRISON SENTENCE FOR A SECOND OR SUBSEQUENT CONVICTION FOR TRAFFICKING CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-31-20 NMSA 1978 (being Laws 1972, Chapter 84, Section 20, as amended) is amended to read:

"30-31-20. TRAFFICKING CONTROLLED SUBSTANCES-- VIOLATION.--

A. As used in the Controlled Substances Act, "traffic" means the:

(1) manufacture of a controlled substance enumerated in Schedules I through V or a controlled substance analog as defined in Subsection W of Section 30-31-2 NMSA 1978;

(2) distribution, sale, barter or giving away

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1 of:

2 (a) a controlled substance enumerated in
3 Schedule I or II that is a narcotic drug;

4 (b) a controlled substance analog of a
5 controlled substance enumerated in Schedule I or II that is a
6 narcotic drug; or

7 (c) methamphetamine, its salts, isomers
8 and salts of isomers; or

9 (3) possession with intent to distribute:

10 (a) a controlled substance enumerated in
11 Schedule I or II that is a narcotic drug;

12 (b) controlled substance analog of a
13 controlled substance enumerated in Schedule I or II that is a
14 narcotic drug; or

15 (c) methamphetamine, its salts, isomers
16 and salts of isomers.

17 B. Except as authorized by the Controlled
18 Substances Act, it is unlawful for a person to intentionally
19 traffic. A person who violates this subsection is:

20 (1) for the first offense, guilty of a second
21 degree felony and shall be sentenced pursuant to the provisions
22 of Section 31-18-15 NMSA 1978; and

23 (2) for the second and subsequent offenses,
24 guilty of a first degree felony and shall be sentenced pursuant
25 to the provisions of Section 31-18-15 NMSA 1978. A sentence

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1 imposed pursuant to this paragraph shall not, in whole or in
2 part, be suspended, deferred or taken under advisement.

3 C. A person who knowingly violates Subsection B of
4 this section within a drug-free school zone excluding private
5 property residentially zoned or used primarily as a residence
6 is guilty of a first degree felony and shall be sentenced
7 pursuant to the provisions of Section 31-18-15 NMSA 1978."

8 Section 2. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2007.

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